

### REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the subject application. The Final Office Action of April 30, 2003 has been received and contents carefully reviewed.

The Examiner rejected claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Potash (U.S. Pat. App. Pub. No. 2002/0114595); rejected claims 1-14, 19-22, and 25 under 35 U.S.C. § 102(e) as being anticipated by Beals et al. (U.S. Pat. App. Pub. No. 2002/0040731); rejected claims 15-17, 23, 24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al.; and rejected claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. in view of Klamm et al. (U.S. Pat. No. 4,756,510). These rejections and objection of the claims is traversed and reconsideration of the claims is respectfully requested in view of the following amendments and remarks.

The rejection of claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Potash is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over the cited references in that claim 1 recites a combination of elements including, for example "...a service pipe that conveys gas between a gas main and a gas meter...; a flexible tube disposed inside the service pipe, the tube sealed at each end to an outside surface of the service pipe..." None of the cited references, including Potash, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 1 and 2-4, which depend from claim 1, are allowable over the cited references.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference. See MPEP § 2131. For the

reasons set forth below, Applicants respectfully submit a *prima facie* case of anticipation has not been established with regard to the presently claimed invention.

The Examiner cites Potash as disclosing "...the apparatus comprising a service pipe (See 10 in Figure 1a...); a flexible tubing disposed inside the service pipe (See 24 in Figure 1a...), the tube sealed at each end to an outside surface of the service pipe..." (Office Action of January 9, 2003 at item 3. and Office Action of April 30, 2003 at item 2.)

As stated above, Applicants respectfully submit, however, Potash fails to inherently express or describe, for example, wherein the service pipe conveys gas between a gas main and a gas meter. Accordingly, Applicants respectfully submit a *prima facie* case of anticipation has not been established with respect to the claimed invention.

The rejection of claims 1-14, 19-22, and 25 under 35 U.S.C. § 102(e) as being anticipated by Beals et al. is respectfully traversed and reconsideration is requested.

Claim 1 is allowable over the cited references in that claim 1 recites a combination of elements including, for example "...a service pipe that conveys gas between a gas main and a gas meter...; a flexible tube disposed inside the service pipe, the tube sealed at each end to an outside surface of the service pipe...; and a fiber optic cable disposed inside the flexible tube..." None of the cited references, including Beals et al., singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 1 and 2-5, which depend from claim 1, are allowable over the cited references.

Claim 6 is allowable over the cited references in that claim 6 recites a combination of elements including, for example "...stopping gas flow from a gas main to a service pipe that conveys gas between the gas main and a gas meter...; joining to the service pipe, at a first location ...a first nipple that provides for a flexible tube a pass way between an inside of the

service pipe and an outside of the service pipe; joining to the service pipe at a second location ... a second nipple that provides for the flexible tube a pass way between the inside of the service pipe and the outside of the service pipe; feeding the flexible tube through a catch nipple of the first nipple and the second nipple...; sealing the flexible tube to the first nipple and the second nipple...; and feeding a fiber optic cable through the flexible tube.” None of the cited references, including Beals et al, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 6 and 7-24, which depend from claim 6, are allowable over the cited references.

Claim 25 is allowable over the cited references in that claim 1 recites a combination of elements including, for example “sealing... a flexible tube in a service pipe...; feeding a fiber optic cable through the flexible tube” None of the cited references, including Beals et al, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicants respectfully submit that claims 25 and claims 26 and 27, which depend from claim 25, are allowable over the cited references.

As stated above, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference. See MPEP § 2131. For the reasons set forth below, Applicants respectfully submit a *prima facie* case of anticipation has not been established with regard to the presently claimed invention.

The Examiner cites Beals et al. as disclosing “the apparatus comprising a service pipe (See 10 in Figure 3...); a flexible tubing disposed inside the service pipe (See 8 in Figure 3...), the tube sealed at each end to an outside surface of the service pipe... (See 50, 114 in Figure 3); and a fiber optic cable disposed inside the flexible tube (See 8 in Figure 3...)...” (Office Action of January 9, 2003 at item 4. and Office Action of April 30, 2003 at item 3.)

With regard to claim 1, Applicants respectfully submit, however, Beals et al. fails to expressly or inherently show “a flexible tubing disposed inside the service pipe [10]... , the tube sealed at each end to an outside surface of the service pipe,” as asserted by the Examiner with reference to numerals 50 and 114 shown in Figure 3 of Beals et al.

For example, at paragraph [0048], Beals et al. states “A first access or drilling nipple 18 is attached to the exterior of the pressurized gas pipeline 10, typically by welding... The first drilling nipple 18 includes a flange portion 20 including an entry gland 22.” At paragraph [0051], Beals et al. states “A removable packing gland 50 is engaged to and seals with entry gland 22.” At paragraph [0054], Beals et al. states “...a second access or drilling nipple 80 is attached to the exterior of the pressurized gas pipeline 10... The second access or drilling nipple 80 includes a flange portion 82 and an exit gland 84.” At paragraph [0057], Beals et al. states “A second removable packing gland 114 is engaged to and sealed with the exit gland 84.” After the “flexible tube 8” is arranged within the pressurized gas pipeline 10, Beals et al. states at paragraph [0070], “The first and second removable packing glands 50 and 114 are then removed...” and at paragraph [0071] “The entry gland 22 and the exit gland seals 84 are finally secured and further sealed via a threaded nut 352 and service head adapter with shield nut 360 (shown in FIG. 15...)” Accordingly, Applicants respectfully submit the “flexible tube 8” of Beals et al. is sealed at each end to outside surfaces of drilling nipples 18 and 80 via respective ones of the entry and exit glands 22 and 84. Since the “flexible tube 8” of Beals et al. is sealed at each end to outside surfaces of drilling nipples 18 and 80, Applicants respectfully submit the “flexible tube 8” of Beals et al. cannot be sealed at each end to an outside surface the pressurized gas pipeline 10, as asserted by the Examiner.

Accordingly, Applicants a *prima facie* case of anticipation has not been established with respect to the claimed invention.

Further, and with regard to claims 6 and 25, the Examiner states “paragraphs 0048-0072 of Beals et al. ...discloses the various recited steps of Claims 6 and 25.” (Office Action of April 30, 2003 at item 4.) It is noted that paragraphs [0048]-[0072] were cited in the Office Action of January 9, 2003, among other paragraphs, as allegedly teaching “...the flexible tube and the pressure fitting not leaking at an operating gauge pressure for gas between the tube and an inside of the service pipe...”

With regard to claim 6, Applicants respectfully submit, however, after thoroughly reviewing paragraphs [0048]-[0072] of Beals et al., it is respectfully submitted Beals et al. fails to expressly or inherently describe at least the aforementioned combination of elements. For example, at paragraph [0063], Beals et al. states “...the installation begins by attaching the first drilling nipple 18 to the pressurized gas pipeline 10. ...A drilling machine designed for drilling operations under gas pressure... is attached. The pressurized gas pipeline 10 is then drilled via a drilling or cutting machine 250 (shown installed in FIG. 6).” Accordingly, Applicants respectfully submit Beals et al. fails to expressly or inherently describe at least the aforementioned combination of elements. Moreover, Beals et al. states at paragraph [0017] “The method and apparatus allows for the installation of fiber optic or other cable into pressurized gas pipelines without requiring any shutoff or interruption in gas service.”

Accordingly, Applicants a *prima facie* case of anticipation has not been established with respect to the claimed invention.

Claim 25 is allowable over the cited references for similar reasons as argued above with respect to the rejection of claim 1. Accordingly, Applicants a *prima facie* case of anticipation has not been established with respect to the claimed invention.

The rejection of claims 15-17, 23, 24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. is respectfully traversed and reconsideration is requested.

Claims 15-17, 23, and 24 include all of the limitations of claim 6, as discussed above, and Beals et al. fails to teach or suggest at least these features of independent claim 6 as recited above. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness regarding claims 15-17, 23, and 24 in view of claim 6, as above.

Claims 26 and 27 include all of the limitations of claim 25, as discussed above, and Beals et al. fails to teach or suggest at least these features of independent claim 25 as recited above. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness regarding claims 26 and 27 in view of claim 25, as above.

The rejection of claim 18 under 35 U.S.C. § 103(a) as being unpatentable over Beals et al. in view of Klamm et al. is respectfully traversed and reconsideration is requested.

Claim 18 includes all of the limitations of claim 6, as discussed above, and Beals et al. fails to teach or suggest at least these features of independent claim 6 as recited above. Similarly, Klamm et al. fails to cure the deficiencies of Beals et al. Accordingly, Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness regarding claim 18 in view of claim 6, as above.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited. Should the Examiner deem that a

Application No.: 09/973,070  
Group Art Unit: 2872  
Reply to Office Action of April 30, 2003

Docket No.: 8064.701.00  
Reply Dated September 2, 2003  
Page 8 of 8

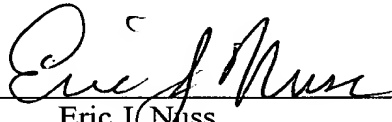
telephone conference would further the prosecution of this application, the Examiner is invited to call the undersigned attorney at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. Please credit any overpayment to deposit Account No. 50-0911.

Respectfully submitted,

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Date: September 2, 2003

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